

Will I Need a Smog Certification?

Transfers between parents and their children, husband and wife, grandparents and their grandchildren, domestic partners, and siblings, are exempt from the transfer smog certification requirements. A REG 256 is required to state the exemption. However, if the registration is due, a biennial smog certification may be required.

Will My Vehicle's Value Be Reclassified?

Upon change of ownership, the department reclassifies the vehicle's value and determines the appropriate vehicle license fee based on the purchase price or current market value of the vehicle. Unless this is a family transfer, your vehicle will be reclassified.

Save Time. Go Online.
www.DMV.ca.gov
DRIVING CHANGE

Go online 24 hours a day, 7 days a week at www.dmv.ca.gov to:

- Renew your vehicle registration.
- Renew your driver license or identification card.
- Calculate registration fees.
- Verify & update vehicle registration insurance suspension information.
- Take a sample driver license test.
- Order special license plates.
- Get forms, brochures, and handbooks.
- Find answers to your DMV questions.
- Make appointments (except commercial driving test*).

Call 1-800-777-0133 for automated service 24 hours a day, 7 days a week to:

- Make an appointment (except commercial driving test*).
- Renew your vehicle registration or driver license. See your renewal notice for the Renewal ID Number (RIN).
- Get forms and publications.
- Listen to general information.
- Verify & update vehicle registration insurance suspension information.

**To make a commercial driving test appointment or speak with a technician, call 1-800-777-0133 during our normal business hours.*

For hearing impaired service call
TTY 1-800-368-4327.

SO (REV. 5/2012)



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Transfer a Vehicle Without Probate

How To



www.dmv.ca.gov

HTVR 2 (REV. 12/2012)

Transfer a Vehicle Without Probate

In a transfer without probate, the decedent's heir may transfer title or interest of a vehicle or vessel without obtaining letters of administration or letters testamentary, if the decedent's real and personal property in this state does not exceed \$150,000, and if it has been at least 40 days since the death of the decedent.

IMPORTANT: A transfer without probate may be done only for vehicles or vessels titled in California.

An Affidavit for Transfer Without Probate-California Titled Vehicles or Vessels Only (REG 5) form may be completed by the:

- Sole person or persons who succeeded to the property of the decedent.
- Conservator or guardian of the property of the sole person or persons who succeeded to the property of the decedent.
- Beneficiary under the decedent's last will and testament and has the right to have title to the vehicle transferred to his/her name without probate proceedings.
- Trustee(s), under trust agreement by the deceased, in which the primary beneficiaries are the next of kin.

NOTE: When calculating the decedent's real and personal property, see *California Probate Code* §13050.

When Can I Transfer Ownership?

A transfer without probate may be submitted to the Department of Motor Vehicles (DMV) no sooner than 40 days after the date of

the vehicle owner's death. However, if the registration expires within the 40-day period, renewal fees can be deposited with DMV to avoid penalties.

What Do I Need?

To transfer vehicle or vessel ownership, the following items must be submitted to DMV:

- California Certificate of Title. For more information on how to fill out this form refer to the brochure, *Selling/Buying a Vehicle* (HTVR 32).
 - The heir **must** sign the deceased registered owner's name **and** countersign on line 1 of the California Certificate of Title. **Example:** *John Doe* by *Mary Doe*.
- Affidavit for Transfer Without Probate-California Titled Vehicles or Vessels Only (REG 5).
 - The heir **must** complete and sign a REG 5. A power of attorney cannot be used to sign the REG 5.
 - If a vehicle or vessel was owned jointly by two or more deceased owners, a REG 5 is required for the most recently deceased owner only. However, original or certified copies of the death certificates for **all** deceased registered owners are required.

NOTE: A releasing signature is required from any living co-owner.

- Statement of Facts (REG 256), with the applicable sections completed.

- Odometer disclosure statement for vehicles less than 10 years old. Enter the mileage on the California Certificate of Title in the section designated for disclosure of the odometer reading or complete a Vehicle/Vessel Transfer and Reassignment Form (REG 262).
- Fees.
 - A single transfer fee is due if the vehicle is registered to the heir.
 - An additional transfer fee will be due if the vehicle is to be registered to a person other than the heir.
 - Depending on the vehicle's registration status, registration fees may be due. If the vehicle is not currently registered, and a planned nonoperation status is not on file with DMV, you may be held responsible for past due registration fees and penalties.
 - Use tax may be due.

NOTE: For registration fees, see the brochure, *Registration Related Fees* (FFVR 34). Because fees are subject to change, visit our website at **www.dmv.ca.gov** for the most current information.
